

REMARKS

Claims 1 to 18 are pending. Claims 1, 6, 9, 10, 12, 14 and 15 have been amended, and claim 18 has been canceled. Bases for the amendments are found in the specification at page 3, last paragraph, pages 4-5, and page 6, lines 8-24. Entry of the amendments and reconsideration of the application are respectfully requested.

Claims 1-8, 12, 13, 17, and 18 stand rejected under 35 USC § 102(c) as being anticipated by or under 35 USC 103(a) as obvious over Garabedian et al. U.S. 2004/0144406. This rejection has been avoided by the claim amendments.

Claims 1 and 12 have been amended to require that the finishing composition contain 3 to 50 weight percent abrasive particles. Garabedian discloses nanoparticles, but they are present in a concentration range of 0.01 to 1 percent (see paragraph [0141]).

Garabedian is a teaching regarding carpet cleaning, and he includes nanoparticles with a purpose of giving a hydrophilic property (see Garabedian paragraphs [0149] – [0150]) not for any abrasive function. Nanoparticles are too small to accomplish any abrasive function. On the other hand, the claimed finishing compositions contain abrasive particles to carry out their intended function. Finishing compositions are intended to remove imperfections in an automobile paint job through the use of fine abrasive particles. Garabedian is also in an art (i.e. carpet cleaning) which is not analogous to the art of the present application (i.e. finishing compositions for use in vehicle painting, and body shops). Since Garabedian does not disclose the concentration range of 3-50 percent, does not disclose any particles useful as abrasives, and is in a non-analogous art, the amended claims are both novel and nonobvious over Garabedian. Dependent claim 6, as amended, is further removed from Garabedian, in that it recites an abrasive particle size range of 2 to 100 micrometers, which is substantially larger than any of Garabedian's nanoparticles.

Claims 9-11 stand rejected under 35 USC § 103(a) as obvious over Garabedian et al. The rationale supporting the nonobviousness of the amended claim 1 above also applies to claims 9-11 as amended.

Claim 15 has been rejected under 35 USC 103(a) as obvious over Garabedian. The same rationale discussed above applies to this rejection. Claim 15 has been amended, consistent with

claim 1; so that, 3-50 weight percent abrasive particles are required in the composition made by the method of claim 15. Garabedian neither discloses such a high concentration of particles, nor does he disclose any particles which would function as abrasive particles.

Claims 1-4, 6-13, 17 and 18 have been rejected under 35 USC 103(a) as obvious over John US Patent 5,316,692 in view of Terae US Patent 5,080,828. This objection has been avoided by the amendments.

As recognized by the Examiner (Office Action page 5) the John patent does not disclose a lubricant (as required in independent claims 1 and 12). The Office Action asserts that it would be obvious to use the polypropylene glycol stabilizer taught in Terae in the compositions of John. This rejection has been avoided by the cancellation of polypropylene glycol from the claims.

Claims 1 and 12 have been amended to require no non-volatile silicones. Terae requires non-volatile silicones (column 1, line 67-column 3, line 2).

The last sentence at Office Action page 4 states that the polydiorganosiloxane taught in John can be a volatile material, and its amount can be less than 0.2%. With the claim amendments, the 0.2% limitation no longer applies, since both claims 1 and 12 require that no non-volatile silicones are present in the claimed compositions. Claim 1 has been amended to specify types of volatile siloxanes not covered by John's formula (B) for his polydiorganosiloxanes (col. 2, ll. 54-64).

The present application defines volatile silicones as those having a boiling point less than 250° C. The polydiorganosiloxanes (B) described in John have the formula $(CH_3)_3SiO[CH_3(R)SiO]_x[(CH_3)_2SiO]_ySi(CH_3)_3$ in which R, x and y are defined in column 2. John's invention uses the combination of dimethylsiloxanes (A) and polydiorganosiloxanes (B) to yield a scouring cleanser that leaves hard surfaces (such as bath tubs, was basins and toilets) glossy even after rinsing (see Example bridging columns 4 and 5). In John's example using only the lower molecular weight cyclic siloxane (Example A) the gloss was only neutral. In John's working examples B - D the polydiorganosiloxanes (I - II) had 77 to 117 carbon atoms.

As to all claims rejected under John in view of Terae, the lubricants now within the scope of the amended claims are not found in the references. Additionally, neither reference would lead one to eliminate non-volatile silicones altogether.

Claims 5 and 14 have been rejected under 35 USC 103(a) as obvious over John and Terae and further in view of Martin US Patent 5,264,027. This rejection has been avoided by the claim amendments. Martin is a patent on detergent resistant compositions for such uses as car wax (col. 9, ll. 11-14). As discussed in applicants' last response (Amendment Under 35 CFR 1.116) Martin itself contains the facts to show that his hydrocarbonoxy end-blocked branched organopolysiloxanes are non-volatile (see applicants' last response pp. 7-8). Martin has been cited for his disclosure of a hydrocarbon solvent that he mixes with his alkoxy end-blocked organopolysiloxane. However, the addition of Martin to John and Terae does not provide the missing elements discussed above, namely a lubricant selected from the group stated in claims 1 and 12, and the absence of non-volatile silicones now required an amended claims 1 and 12 from which claims 5 and 14 depend.

The presently claimed finishing compositions use volatile siloxanes to provide improved handling properties. After application (e.g. to an automobile finish) the volatile siloxanes evaporate. Non-volatile silicones are not used in the amended claims, because they can cause problems in finishing a vehicle paint job (paint defects and contamination of surfaces in a body shop). This is explained in more detail at specification page 3, lines 6-12, page 9, lines 22-25 and page 24, lines 3-11. Non-volatile siloxanes can, for example, cause a defect known as fish eye or beading on a paint job in a body shop. Thus, the presence of nonvolatile siloxanes in some of the references is contrary to the purpose of the presently claimed finishing compositions.

Claim 15 has been rejected under 35 U.S.C. 103(a) as obvious over John in view of Terae. This rejection has been avoided by the amendments to claim 15. The reasoning applied above to the previous rejection over John in view of Terae applies to this rejection. Terae is avoided by the cancellation of "propylene glycols" from the list of lubricants, and John is further distinguished by the specification of the volatile siloxanes in the amended claim. The method of claim 15 now requires that no non-volatile silicone materials be used.

It is submitted that claims 1-15 and 17 are in condition for allowance as amended. Withdrawal of the objections under 35 USC 102(e) and 103(a) is requested; rejoinder of claim 16 is requested; and a Notification of Allowability is solicited. If any issues or questions remain, the resolution of which the Examiner feels would be advanced by a conference with applicant's attorney, he is invited to contact such attorney at the telephone number noted below.

Respectfully submitted,

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Date

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